



My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: MATERIALS AND METHODS FOR HYBRID SEED PRODUCTION the specification of which X is attached hereto or was filed on November 6, 1998 as Application No. 09/186,775 and was amended on (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/065,989	November 14, 1997
Application No.	Filing Date
60/036,483	January 24, 1997
Application No.	Filing Date
Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Attorney Docket No.: 12176-62-1 Client Reference No.: A0158

Serial No. 09/012,895	Filed January 23, 1998

Full Name of	Burgess	Diane Middle Name or Initial:		
Inventor 1:				
Residence &	Berkeley	State/Foreign Country:	USA ,	
Citizenship:		California		
Post Office Address:	2823 Kelsey Street	Berkeley	California	94705
Full Name of Inventor 2:	Gutterson	Neal .	Middle Name or Initial:	
Residence & Citizenship:	Oakland	Calfornia	USA	
Post Office Address:	5169 Golden Gate Avenue	Oakland	State/Country: USA	Postal Code: 94618
Full Name of Inventor 3:	Last Name:	First Name:	Middle Name or Initial:	
Residence & Citizenship:	City:	State/Foreign Country:	Country of Citizenship:	
Post Office Address:	Post Office Address:	City:	State/Country:	Postal Code:
Full Name of Inventor 4:	Last Name:	First Name:	Middle Name or Initial:	
Residence & Citizenship:	City:	State/Foreign Country:	Country of Citizenship:	
Post Office Address:	Post Office Address:	City:	State/Country:	Postal Code:

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Diane Burgess () Jan 6 4 700	Neal Gutterson	
Date 2/22/99	Date 2/22/99	Date





Attorney Docket No. 012176-006210US

## Y BY ASSIGNEE

DNA Plant Technology Corporation is the Assignee of the invention entitled: MATERIALS AND METHODS FOR HYBRID SEED PRODUCTION, the specification of which \_\_\_\_\_ is attached hereto or x was filed on November 6, 1998 as Application Serial No. 09/186,775.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

> Kevin L. Bastian, Reg. No. 34,774 William M. Smith, Reg. No. 30,223 Jonathan A. Quine, Reg. No. 41,261 Timothy L. Smith, Reg. No. 35,367

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Kevin L. Bastian

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Kevin L. Bastian Reg. No.: 34,774 (415) 576-0200

DNA PLANT TECHNOLOGY CORPORATION

Name: Clinton H. Neagley

Title: Secretary

SF 196071 v1



Applicant	: Diane Burgess and	Neal Gutterson		
Application	on No.: <u>09/186,775</u>		Filed: Novem	ber 6, 1998
For: <u>MA</u>	TERIALS AND ME	THODS FOR HYBRID SE	EED PRODUCTION	
DNA Plas		oration, a Delaware	COPPORATION, (Type of Assignee, e.g., corporation,	partnership, university, government agency, etc.)
certifies th	nat it is assignee of th	e patent application identif	fied above by virtue of either:	
A. X	An assignment from in the Patent an attached.	the inventor(s) of the pater I Trademark Office at Ree	nt application identified above l, Frame(s)	. The assignment was recorded , or for which a copy thereof is
В. 🗌	A chain of title from shown below:	n the inventor(s), of the p	patent application identified at	pove, to the current assignee as
	The document v	vas recorded in the Patent a	and Trademark Office at	
:	The document v	was recorded in the Patent a	and Trademark Office at	
-	The document v	was recorded in the Patent a	and Trademark Office at	
		the chain of title are listed		
	-	r other documents in the ch	wered to act on behalf of the as	signee.
I hereby informati willful fa Title 18 o	declare that all stat on and belief are be alse statements, and	ements made herein of melieved to be true; and fur	y own knowledge are true, a ther, that these statements are shable by fine or imprisonmen	nd that all statements made on made with the knowledge that nt, or both, under Section 1001, ze the validity of the application
Date	: 2/22/99	÷		
Name Title Signatu	: Secretary	Neagley Neagly		
SF 150638 SF 196064	vl			

Attorney Docket No.: 12176-62-1 Client Reference No.: A0158

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Diane Burgess, of 2823 Kelsey Street, Berkeley, California, 94618 and Neal Gutterson, 5169 Golden Gate Avenue, Oakland, California 94618 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:	MATERIALS AND METHODS FO	<u>'R</u>
	HYBRID SEED PRODUCTION	
Date(s) of execution o	of Declaration:	
Filing Date:	November 6, 1998	
Application No.:	.09/186,775	; and

WHEREAS, DNA Plant Technology Corporation, 6701 San Pablo Avenue, Oakland, California 94608-1239, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that Assignors will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain

Exhibit out for dation

Assignment Application No.: 09/186,775

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Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

in Assignee, or Assignee's successors and assigns.
IN TESTIMONY WHEREOF, Assignors have signed his her name on the date indicated.
Dated: $\frac{3}{32}/99$
STATE OF CALIFORNIA  ) ss.  COUNTY OF ALAMEDA  )  STATE OF CALIFORNIA  ) notary public california  ()
On fee 30, 1999, before me, My Comm Expires Nav. 22, 2801 rersonally appeared  Diona Burgess personally known to me (or proved to me on the basis of satisfactory evidence)
to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.  NOTARY PUBLIC
My Commission Expires: 11 22 2001  Dated: 2/22/78  Neal Gutterson
STATE OF CALIFORNIA  ) ss.  COUNTY OF ALACCOA  ) MARIA GABRIELA LEITE  Comm. # 1162520  NOTARY PUBLIC CALIFORNIA  Alameda County  My Comm. Expires Nev. 22, 2001
Neal Gutterson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.  NOTARY PUBLIC
My Commission Expires: 11 33 3001

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